

EXHIBIT 60

EXHIBIT A

1 KELLEY DRYE & WARREN LLP
2 Mark A. Konkel (N.Y. Bar No. 397835)
3 101 Park Avenue
4 New York, NY 10178
5 Telephone: (212) 808-7800
6 Facsimile: (212) 808-7898
7 mkonkel@kellydrye.com
8 *Pro Hac Vice Application Pending*

9 KELLEY DRYE & WARREN LLP
10 Lee S. Brenner (State Bar No. 180235)
11 10100 Santa Monica Boulevard
12 Twenty-Third Floor
13 Los Angeles, California 90067-4008
14 Telephone: (310) 712-6100
15 Facsimile: (310) 712-6199
16 lbrenner@kellydrye.com

17 Attorneys for Plaintiff NobelBiz, Inc.

18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

NOBELBIZ, INC., a Delaware
corporation,

Plaintiff,

v.

JEFF L. WESSON, an individual; and
DOES 1-10, inclusive,

Defendants.

CASE NO.

**PLAINTIFF NOBELBIZ, INC.'S
FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS
AND OTHER TANGIBLE THINGS
TO DEFENDANT JEFF L. WESSON**

Action Filed: April 8, 2014

PROPOUNDING PARTY: PLAINTIFF NOBELBIZ, INC.

RESPONDING PARTY: DEFENDANT JEFF L. WESSON

SET NO.: ONE (1)

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that Plaintiff NobelBiz, Inc. ("NobelBiz") hereby
3 requests, pursuant to the expedited discovery order issued by the above-entitled
4 court, that Defendant Jeff L. Wesson ("Wesson") produce all documents and
5 tangible things in his possession, custody or control that are responsive to the below
6 requests for production (the "Requests"). Wesson must answer, fully, in writing by
7 April 18, 2014. The written responses and responsive documents shall be produced
8 for inspection and copying at the offices of Kelley Drye & Warren LLP, 10100
9 Santa Monica Boulevard, Twenty-Third Floor, Los Angeles, California 90067 by
10 April 18, 2014 at 5:00 p.m.

11 **DEFINITIONS**

12 1. "DOCUMENT" or "DOCUMENTS," as used herein, shall mean those
13 items set forth in Rule 34(a) of the Federal Rules of Civil Procedure, as well as
14 those items falling within the definition of "writings," "recordings," and
15 "photographs," under Rule 1001 of the Federal Rules of Evidence, interpreted to the
16 broadest extent permissible.

17 Examples of "DOCUMENTS" include, but are not limited to the following
18 items: agreements or contracts, correspondence, e-mails, telegrams, cables,
19 memoranda, records, books, summaries of records or personal conversations or
20 interviews, diaries, desk calendars, appointment books, journals, message pads,
21 forecasts, statistical statements, accountants' workpapers, graphs, charts, diagrams,
22 certificates and certifications, tables, indexes, pictures, recordings, tapes, microfilm,
23 charges, accounts, analytical records, minutes or records of meetings, conferences or
24 conversations, reports or summaries of interviews, reports or summaries of
25 investigations, texts or surveys, opinions or reports of consultants, appraisals,
26 records, reports or summaries of negotiations, advertisements, brochures, pamphlets,
27 circulars, trade letters, press releases, stenographic or hand-written or other notes,
28 projections, working papers, checks front and back, check stubs or receipts,

1 envelopes, invoice vouchers, data processing cards, tapes or disks or any other
2 written, recorded, transcribed, punched, taped, filmed or graphic matter, however
3 produced or reproduced, any other direct or indirect transmissions of information by
4 any means, written, oral or otherwise, including but not limited to e-mail, instant
5 messages, voice mails, letters, memoranda, notes or other written, typewritten,
6 printed or reproduced material, and any other DOCUMENT or writing of whatever
7 description, including but not limited to any information contained in any computer,
8 computer peripheral equipment, computer library.

9 2. “NOBELBIZ,” as used herein, shall mean Plaintiff NobelBiz, Inc.

10 3. “PERSON” or “PERSONS,” as used herein, shall mean any natural
11 persons, partnerships, consortia, joint ventures, and every other form of legally
12 recognized entity, including corporations.

13 4. “CONCERNING,” as used herein, shall mean in relation to, related to,
14 consisting of, referring to, reflecting, concerning, discussing, describing, evidencing,
15 interpreting, constituting, commenting on, supporting, contradicting and/or having
16 any logical or factual connection with the matters identified, in whole or in part.

17 5. “BROADBAND,” as used herein, shall mean Broadband Dynamics
18 L.L.C.

19 6. “LAPTOP,” as used herein, shall mean the company-issued laptop that
20 NOBELBIZ provided to Wesson during his employment at NOBELBIZ, which
21 Wesson returned to NOBELBIZ on or about March 26, 2014.

INSTRUCTIONS

22 7. The DOCUMENTS requested herein should be produced in their
23 original file folder(s) or, in lieu thereof, attached to a photographic or electrostatic
24 duplicate of all written on the original file folder.

25 8. With respect to any DOCUMENT responsive to these Requests that
26 Wesson withholds because of an alleged privilege, describe each such DOCUMENT
27 by providing: (1) the date of the DOCUMENT; (2) the authors and recipients of the

1 DOCUMENT (including any PERSONS receiving copies); (3) a brief description of
2 the subject matter of the DOCUMENT sufficient to determine the applicability of
3 the stated privilege; and (4) the privilege asserted and any statute which Wesson
4 contends supports his assertion of the privilege.

5 **REQUESTS FOR PRODUCTION**

6 **REQUEST FOR PRODUCTION NO. 1:**

7 All DOCUMENTS, including but not limited to emails, text messages, instant
8 messages, memoranda, reports, other correspondence and files CONCERNING
9 NOBELBIZ, including but not limited to DOCUMENTS entitled "Master Account
10 List," "Nobel Sales Process," "Account Management Folder," "Account List," and
11 "2013 Projection Master." (This Request is limited to documents dated, created,
12 revised, transmitted, or which you accessed during the period January 1, 2013 to the
13 present.)

14 **REQUEST FOR PRODUCTION NO. 2:**

15 All DOCUMENTS, including but not limited to emails, text messages, instant
16 messages, memoranda, reports, other correspondence and files CONCERNING
17 NOBELBIZ's:

- 18 (a) pricing levels and pricing strategies,
- 19 (b) customer lists and customer preferences,
- 20 (c) technology,
- 21 (d) business information (including but not limited to reports you
22 prepared while at NOBELBIZ),
- 23 (e) financial information (including but not limited to revenue
24 collections organized by customer),
- 25 (f) marketing information,
- 26 (g) business plans, and
- 27 (h) executive reports.

28 ///

1 **REQUEST FOR PRODUCTION NO. 3:**

2 All DOCUMENTS, including but not limited to emails, text messages, instant
3 messages, memoranda and other correspondence transmitted during the period
4 January 1, 2013 to the present between you and any PERSON (including but not
5 limited to BROADBAND or Ray Pollum) concerning NOBELBIZ.

6 **REQUEST FOR PRODUCTION NO. 4:**

7 Each and every computer hard drive or computer system by which you
8 accessed NOBELBIZ's pricing levels, pricing strategies, customer lists, technology,
9 reports, business information or marketing information from August 1, 2013 to the
10 present.

11 **REQUEST FOR PRODUCTION NO. 5:**

12 ALL DOCUMENTS concerning NOBELBIZ that you maintained, stored,
13 uploaded or kept in any cloud storage provider account you created, used or
14 maintained or otherwise accessed, including but not limited to Dropbox, Google
15 Drive, and any other similar cloud storage service.

16 **REQUEST FOR PRODUCTION NO. 6:**

17 All DOCUMENTS, including but not limited to emails, text messages, instant
18 messages, memoranda and other correspondence between you and any PERSON
19 CONCERNING the wiping and re-formatting the LAPTOP, including but not
20 limited to the use of a software utility program called "Killdisk."

21 **REQUEST FOR PRODUCTION NO. 7:**

22 All files or other information originating in, or belonging to, NOBELBIZ,
23 which you uploaded to or accessed from a cloud storage service (including but not
24 limited to Dropbox or Google Drive) during the period January 1, 2013 to the
25 present.

26 **REQUEST FOR PRODUCTION NO. 8:**

27 All DOCUMENTS, including but not limited to emails, text messages, instant
28 messages, memoranda, and other correspondence CONCERNING your application

1 for, or seeking employment with, BROADBAND, and the termination of your
2 employment with BROADBAND.

3

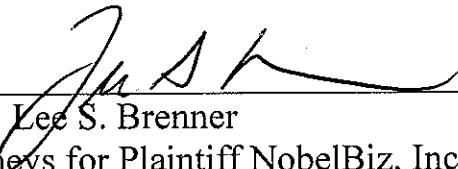
4 DATED: April 10, 2014

KELLEY DRYE & WARREN LLP

5

6

By


Lee S. Brenner

7
8 Attorneys for Plaintiff NobelBiz, Inc.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28